

Donald A. Robinson
ROBINSON, WETTRE & MILLER LLC
One Newark Center, 19th Floor
Newark, NY 07102
973-690-5400
drobinson@rwmlegal.com

Mark A. Lemley
Joseph C. Gratz
Sonali D. Maitra
DURIE TANGRI LLP
217 Leidesdorff Street
San Francisco, CA 94111
415-362-6666

*Attorneys for Defendant and Counterclaim Plaintiff
Xio Interactive Inc.*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

TETRIS HOLDING, LLC and THE
TETRIS COMPANY, LLC,

Plaintiffs and Counterclaim-
Defendants,

-against-

XIO INTERACTIVE INC.,

Defendant and Counterclaim-
Plaintiff.

Civil Action No. 3:09-CV-6115 (FLW) (DEA)

Honorable Freda L. Wolfson, U.S.D.J.
Honorable Douglas E. Alpert, U.S.M.J.

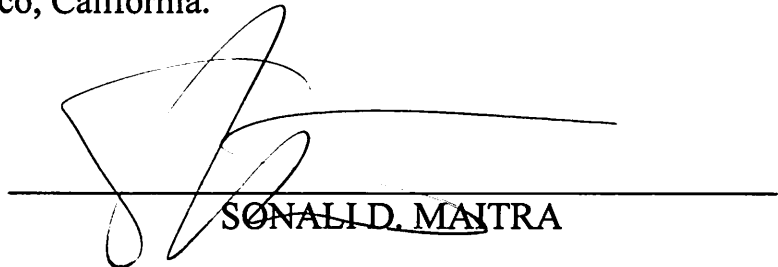
**DECLARATION OF SONALI D. MAITRA REGARDING
PLAINTIFFS' MOTION TO VACATE ORDER OF DISMISSAL
[DKT. NO. 64]**

I, Sonali D. Maitra, declare as follows:

1. I am an attorney with the law firm of Durie Tangri LLP, counsel to Defendant and Counterclaim-Plaintiff Xio Interactive, Inc. ("Xio"). The factual assertions made herein are made of my personal knowledge and, if called upon to do so, I could and would testify competently thereto.

2. Although Xio remains hopeful that the parties can resolve the dispute without unwarranted Court involvement, it does not contest Plaintiff's motion to vacate the Court's order of dismissal.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and accurate to the best of my knowledge. Executed on October 19, 2012 at San Francisco, California.



SONALI D. MAITRA

CERTIFICATE OF SERVICE

I certify that on October 22, 2012, I caused a copy of the within document to be served upon plaintiffs' counsel of record via the Court's electronic filing system.

/s/ Donald A. Robinson

Donald A. Robinson